

REMARKS

In the Office Action, the Examiner rejects claims 1, 3-7, 9-11, 14-19, 37-41, and 48-53 under 35 U.S.C. § 112, second paragraph, as indefinite; rejects claims 1, 3-7, 9-11, 13, 19, 42, 45-47, and 50 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN (U.S. Patent No. 5,870,454) in view of AKTAS et al. (U.S. Patent Application Publication No. 2003/0028604); rejects claims 14, 15, 32, and 33 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in view of AKTAS et al. and further in view of TULLIS et al. (U.S. Patent No. 5,802,314); rejects claims 16, 17, 35, and 52 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in view of AKTAS et al. and further in view of RODRIGUEZ et al. (U.S. Patent Application Publication No. 2002/0067806); rejects claims 18, 36, and 43 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in view of AKTAS et al. and further in view of FORTMAN et al. (U.S. Patent No. 5,987,100); rejects claims 20-29, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. (U.S. Patent No. 6,147,977); rejects claim 44 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in view of AKTAS et al., further in view of FORTMAN et al., and further in view of RODRIGUEZ et al.; rejects claims 37-40, 48, and 49 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in view of TULLIS et al. and further in view of THRO et al.; rejects claim 41 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in view of TULLIS et al., further in view of THRO et al, and further in view of AKTAS et al; and rejects claims 51 and 53 under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in

view of AKTAS et al. and further in view of RODRIGUEZ et al., and further in view of ARUMAINAYAGAM et al. (U.S. Patent No. 5,659,599). The rejections are traversed.¹

By this Amendment, Applicants amend claims 1, 19, 20, 22, 37, 39, 42, and 48 to improve form. No new matter has been introduced. Support for the claim amendments can be found throughout the originally-filed application (see, for example, paragraph 62). Claims 1, 3-7, 9-11, 14-29, and 31-53 remain pending.

Initially, in accordance with Applicants' duty to provide information regarding the substance of an interview, a telephonic interview was held between Applicants' representative and Examiner Elahee on November 19, 2007. Applicants would like to thank Examiner Elahee for the courtesies extended during the interview. During the interview, the rejections based on DAHLEN and AKTAS et al. were discussed. No agreement was reached.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1, 3-7, 9-11, 14-19, 37-41, and 48-53 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite due to improper antecedent bases (Office Action – p. 4, paragraph 4). Independent claims 1, 19, 37, and 48 are amended to address the Examiner's concerns.

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-11, 14-19, 37-41, and 48-53 under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 103 BASED ON DAHLEN AND AKTAS ET AL.

Claims 1, 3-7, 9-11, 13, 19, 42, 45-47, and 50 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. The rejection is respectfully traversed.

Claim 1, as amended, is directed to a method comprising generating a user profile for a receiving party that includes user-defined criteria and delivery data specified by the receiving party; receiving a message and one or more message attachments intended for the receiving party, the message being received in a source message format and the one or more message attachments being received in a source attachment format; identifying, based on the user-defined criteria, portions of the message to be analyzed against the user-defined criteria; analyzing the identified portions of the message to determine whether the message should be delivered to the receiving party based on one or more of the user-defined criteria; translating the message from the source message format to message text and the one or more message attachments from the source attachment format into attachment text; converting the message text and the attachment text to an audible message when the analyzing determines that the message should be delivered to the receiving party; initiating a telephony call to the receiving party at at least one of a pre-determined date or time included in the delivery data; and delivering the audible

message to the receiving party during the telephony call. This combination of features is not disclosed or suggested by DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

For example, neither DAHLEN nor AKTAS et al. discloses or suggests initiating a telephony call to the receiving party at at least one of a pre-determined date or time included in the delivery data specified by the receiving party. The Examiner asserts that DAHLEN, at col. 7, line 45 – col. 8, line 29; col. 8, lines 42-53; col. 9, lines 61-67; and col. 10, lines 11-48 is relevant to this feature (Office Action, page 5). Additionally, in the “Response to Arguments” section, the Examiner alleges that Applicants “did not claim a pre-determined date or time based on delivery data specified by the receiving party” (Office Action, page 3).

Without acquiescing in the Examiner’s rejection, claim 1 is amended to clarify that the pre-determined date or time is included in the delivery data specified by the receiving party. In stark contrast, the sections of DAHLEN relied upon by the Examiner in support of the rejection actually disclose that a calling party selects a target time for delivery of a message to a called party.

Col. 9, lines 61-67 of DAHLEN, for example, discloses:

As part of the dialogue, prompter & collectors 70, 72 provide a series of audible menus. The menus include menus to select a desired prestored text message; menus to select a distribution list of called party(ies) to whom the message is to be delivered; and, a menu (optional) which permits calling party 22 to select delivery of the message either immediately or at a target time selected by calling party 22.

(emphasis added). This section of DAHLEN clearly discloses that calling party 22 is provided with menus for selecting, among other things, delivery of a message at a target

time selected. Nowhere in this section, or elsewhere, does DAHLEN disclose or suggest initiating a telephony call to the receiving party at at least one of a pre-determined date or time included in the delivery data specified by the receiving party, as required by claim 1.

The Examiner further alleges that col. 7, line 45 – col. 8, line 14 of DAHLEN discloses that “when the target time is reached a call to a called party is initiated and the target time is associated with the message text [i.e., delivery data]” (Office Action, page 3). Applicants respectfully submit that DAHLEN’s “message text” does not equate to the “delivery data” recited in claim 1, as alleged by the Examiner. Claim 1 recites that the delivery data, which is specified by the receiving party and includes at least one of a pre-determined date or time, is included in a user profile for the receiving party. DAHLEN clearly discloses that a subscriber’s profile is stored in SDP 50 (e.g., see col. 3, lines 40-47), and thus does not correspond to DAHLEN’s “message text,” as would be required consistent with the Examiner’s allegation.

Col. 7, line 45 – col. 8, line 14 of DAHLEN discloses:

For a call that is to a called party on a destination invariable timed rerouting list, the text message and associated call parameters are stored in SDP 50. In addition, the target time of the call and an associated pointer are stored in a special time-checked queue of SDP 50. SDP 50 periodically checks its time-checked queue and, when the target time is reached, uses the associated pointer to obtain the text message and associated call parameters (e.g., including those in the current call record) and forwards the same to SCP 40 as event E11. Those skilled in the art recognize that such a procedure as described in this paragraph can be implemented in several ways, including using a UNIX crontab process, for example.

In the case that the call that is to a called party on a destination alternative timed rerouting list, a procedure for event E11 similar to that described in the preceding paragraph is implemented. However, in addition, SDP 50 checks the target time against both the primary destination time frame and alternate destination time frame to determine

which of the primary destination identifier and the alternate destination identifier is to be utilized.

Upon completion of event E11 and using the receiving equipment type information for the current call (gleaned from the current call record), SCP 40 sends a transmission to an appropriate media formatter 90 (see event E12).

The receiving equipment type information is used to determine which type of media formatter 90 should be used. For example, if the receiving equipment type is a fax machine, the transmission of event 12 is directed to fax computer 90A connected to SCP 40. Alternatively, if the receiving equipment type is an electronic mail computer, the transmission of event 12 is directed to e-mail computer 90B connected to SCP 40, and so forth. The transmission of event E12 includes both the destination identifier (e.g., directory number or internet number) of the called party, as well as the text message prepared by converter 80 and obtained from SDP 50.

This section of DAHLEN discloses that for a call that is to a called party on a destination invariable timed rerouting list, the text message and associated call parameters are stored in SDP 50, and the target time of the call is stored in a special queue of SDP 50 that is periodically checked, and when the target time is reached, the text message and associated call parameters are forwarded to SCP 40 as event E11 and ultimately resulting in transmission of event E12. Nowhere in this section, or elsewhere, does DAHLEN disclose or suggest initiating a telephony call to the receiving party at at least one of a pre-determined date or time included in the delivery data specified by the receiving party, as required by claim 1. AKTAS et al. also fails to disclose this feature.

DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, also fail to disclose or suggest identifying, based on the user-defined criteria, portions of the message to be analyzed against the user-defined criteria; and analyzing the identified portions of the message to determine whether the message should

be delivered to the receiving party based on one or more of the user-defined criteria, as also recited in claim 1.

For at least the foregoing reasons, claim 1 is patentable over DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

Claims 3-7, 9-11, 13, and 50 depend from claim 1 and are, therefore, patentable over DAHLEN and AKTAS et al. for at least the reasons given with respect to claim 1.

Independent claim 19, as amended, recites features similar to (yet, possibly of different scope than) the features recited in claim 1 and is, therefore, patentable over DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination for at least reasons similar to the reasons given above with respect to claim 1.

Independent claim 42 recites a method for providing enhanced message services. The method comprises, prior to monitoring messages, interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user; monitoring a message server for arrival of new messages intended for the user; and processing the new messages, including: identifying, based on the user profile, portions of the new messages for analysis using the user profile, determining whether the new messages should be delivered to the user based on the analysis of the identified portions using the user profile, translating the new messages from a source format to a text format, and converting the new messages from the text format to an audible format, as audible messages, when the analysis determines that the new messages should be delivered to the user; and delivering the audible messages to the user based on the at least one message criterion, including:

initiating a telephony call to the user at the indicated date or time, and presenting the audible messages to the user during the telephony call. This combination of features is not disclosed by DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, do not disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42. The Examiner asserts that DALEN discloses, “prior to monitoring messages, interacting with a caller to generate a user profile that identifies at least one message criterion that indicates when the messages should be delivered to the user,” citing col. 6, lines 51-65, for support (Office Action, pages 9-10). The Examiner, at page 9 of the Office Action, admits that DAHLEN does not disclose or suggest “interacting with a user to generate a user profile that identifies at least one message criterion.” The Examiner asserts that this undisclosed feature of DAHLEN is nevertheless disclosed at paragraphs 36, 38, 39, and 45 of AKTAS et al. (Office Action, pages 9-10). Additionally, in the “Response to Arguments” section, the Examiner alleges that paragraph 45 of AKTAS discloses that “data [i.e., user profile] is transmitted based on a user defined data selection such as time” (Office Action, pages 3-4). Applicants respectfully submit that neither DAHLEN nor AKTAS et al. discloses or suggests interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42.

DAHLEN, at col. 6, lines 51-67, discloses:

Thus, at step 252, calling party 22 can indicate a particularly timed distribution of the message rather than normal distribution. In response, at step 254 the prompter & collector permits calling party 22 to enter the predetermined call time or target time for the distribution. In entering the target time at step 254, calling party 22 may simply enter or speak the digits of the target time, or may request a menu of routing times and respond as desired to the menu. The target time information gleaned at step 254 is included in the current call record for calling party 22.

Upon completion either of step 254 or in the case the flag time_list is not set at step 250, step 270 is executed. At step 270, the service prepares prompts and receives the voice message from calling party 22. Step 270 of FIG. 2B shows the prompter & collector prompting calling party 22 to record (e.g., to speak) his/her message (after a predetermined ready signal [e.g., "beep"]).

This portion of DAHLEN discloses that the prompter & collector permits calling party 22 to enter the predetermined call time or target time for the distribution of the calling party's 22 message. Thus, nowhere in this portion, or elsewhere, does DAHLEN disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42.

Upon careful study of the portions of AKTAS et al. relied upon by the Examiner, Applicants respectfully submit that AKTAS et al. also does not disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42. Paragraphs 45-48 of AKTAS et al., for example, disclose:

Data is transmitted to the pager based on a user defined data selection criteria which is stored as a template in the system profile for the user. The data available for selection includes sender name [sic], time, summary, message priority, un-summarized text, and other fields as available.

The user describes a template that indicates the information desired and the number of characters of each field desired. For example:

"From %SENDER% at %TIME%: %100SUMMARY%" indicates that the user wants a string that includes the entire sender name, the received time and the first 100 characters of the summary to appear on his pager.

This portion of AKTAS et al. merely discloses that the particular data from a message to be transmitted to a user's pager may be user defined data selection criteria (e.g., sender name, the received time, summary, message priority, un-summarized text, etc.) which is stored as a template in the system profile for the user. Nowhere in this portion, or elsewhere, does AKTAS et al. disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42.

Moreover, because DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, do not disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, cannot disclose or suggest initiating a telephony call to the user at the indicated date or time, as further required by claim 42.

DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, also fail to disclose or suggest identifying, based on the user profile, portions of the new messages for analysis using the user profile, and determining whether the new messages should be delivered to the user based on the analysis of the identified portions using the user profile, as also recited in claim 42.

For at least these reasons, claim 42 is patentable over DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

Claims 45-47 depend from claim 42 and are, therefore, patentable over DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 42.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-11, 13, 19, 42, 45-47, and 50 under 35 U.S.C. § 103 based on DAHLEN and AKTAS et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND TULLIS ET AL.*

Claims 14, 15, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of TULLIS et al. The rejection is respectfully traversed.

Claims 14 and 15 depend from claim 1. Without acquiescing in the rejection, the disclosure of TULLIS et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN and AKTAS et al. with respect to claim 1. Thus, claims 14 and 15 are patentable over DAHLEN, AKTAS et al., and TULLIS et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Applicants note that claims 32 and 33 depend from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. Thus, the rejection of claims 32 and 33 based on DAHLEN, AKTAS et al., and TULLIS et al. is improper. In any event, without acquiescing in the rejection, the disclosure of TULLIS et al. does not cure the

deficiencies in the disclosures of DAHLEN, AKTAS et al. and THRO et al. set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 14, 15, 32, and 33 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and TULLIS et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND RODGRIGUEZ ET AL.*

Claims 16, 17, 35, and 52 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of RODGRIGUEZ et al. Applicants respectfully traverse the rejection.

Claims 16, 17, and 52 depend from claim 1. Without acquiescing in the rejection, the disclosure of RODGRIGUEZ et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN and AKTAS et al. with respect to claim 1. Thus, claims 16, 17, and 52 are patentable over DAHLEN, AKTAS et al., and RODGRIGUEZ et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Applicants note that claim 35 depends from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. Thus, the rejection of claim 35 based on DAHLEN, AKTAS et al., and RODGRIGUEZ et al. is improper. In any event, RODGRIGUEZ et al. does not cure the deficiencies in the disclosures of DAHLEN, AKTAS et al. and THRO et al. set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 16, 17, 35, and 52 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and RODGRIGUEZ et al.

***REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND FORTMAN ET AL.***

Claims 18, 36, and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of FORTMAN et al. Applicants respectfully traverse the rejection.

Claims 18 and 43 depend from claims 1 and 42, respectively. Without acquiescing in the rejection, the disclosure of FORTMAN et al. does not cure the above-identified deficiencies in the disclosures of DAHLEN and AKTAS et al. with respect to claims 1 and 42. Thus, claims 18 and 43 are patentable over DAHLEN, AKTAS et al., and FORTMAN et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 1 and 42.

Applicants note that claim 36 depends from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. Thus, the rejection of claim 36 based on DAHLEN, AKTAS et al., and FORTMAN et al. is improper. In any event, without acquiescing in the rejection, the disclosure of FORTMAN et al. does not cure the deficiencies in the disclosures of DAHLEN, AKTAS et al. and THRO et al. set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 18, 36, and 43 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and FORTMAN et al.

**REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND THRO ET AL.**

Claims 20-29, 31, and 34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. The rejection is respectfully traversed.

Independent claim 20 is directed to a message delivery system that comprises a message receiver and a call processor. The message delivery receiver is configured to obtain a message with one or more message attachments intended for a receiving party, the message being obtained in a source message format and the one or more message attachments being obtained in a source attachment format, identify, based on user profile data that is maintained for the receiving party, portions of the message for analysis using the user profile data, determine whether the message should be delivered to the receiving party based on the analysis of the identified portions, convert the message from the source message format to a target format when the analysis determines that the message should be delivered to the receiving party, and convert the one or more message attachments from the source attachment format into the target format; and a call processor configured to: convert the message from the target format to an audible format, initiate a telephony call to the receiving party at a time that is specified by the receiving party before the message with the one or more message attachments is

obtained, and deliver the message in the audible format to the receiving party during the telephony call. This combination of features is not disclosed or suggested by DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest a call processor configured to initiate a telephony call to the receiving party at a time that is specified by the receiving party before the message with the one or more message attachments is obtained, and deliver the message in the audible format to the receiving party during the telephony call. The Examiner admits that this feature is not disclosed by DAHLEN or AKTAS (Office Action, page 14). The Examiner asserts that THRO et al., at col. 3, lines 1-6, 52-59; col. 5, lines 26-45; and col. 6, lines 1-15 is relevant to this feature of claim 20 (Office Action, pages 14 and 15). Applicants respectfully disagree.

Upon careful study of the portions of THRO et al. relied upon by the Examiner, Applicants respectfully submit that THRO et al. does not disclose or suggest a call processor configured to initiate a telephony call to the receiving party at a time that is specified by the receiving party before the message with the one or more message attachments is obtained, and deliver the message in the audible format to the receiving party during the telephony call, as required by claim 20. Col. 6, lines 1-15 of THRO et al., for example, discloses:

The time of day priority table 82 includes two fields, one for the time of day and the other for user-defined priorities. For notice of messages and/or messages received between 7:00 p.m. and 6:00 a.m., the user-defined priority is established to be level 1 unless the message has an originator priority equating to a user defined priority of level 4 or above, then the user defined priority is level 4. For notice of messages and/or

messages received between 6:00 a.m. and 9:00 a.m. or received during 12:00 p.m. and 2:00 p.m., the user defined priority is level one unless the message has an originator priority equating to a user defined priority of level 3 or above, then the user defined priority is level 3. For notice of messages and/or messages received between 9:00 a.m. and 12:00 p.m. or between and received between 2:00 p.m. and 7:00 p.m., the user has placed no restrictions on the incoming messages and notice of messages.

This section of THRO et al., in connection with Fig. 2, discloses a time of day priority table 82, as part of a message priority matrix, which includes a field for the time of day that a message is received at THRO et al.'s server 52 from the originating party 50, and a field for associated user-defined priorities. Nowhere in this section, or elsewhere, does THRO et al. disclose or suggest a call processor configured to initiate a telephony call to the receiving party at a time that is specified by the receiving party before the message with the one or more message attachments is obtained, and deliver the message in the audible format to the receiving party during the telephony call, as required by claim 20.

DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination, also fail to disclose or suggest a call processor configured to identify, based on user profile data that is maintained for the receiving party, portions of the message for analysis using the user profile data, and determine whether the message should be delivered to the receiving party based on the analysis of the identified portions, as also recited in claim 20.

For at least the foregoing reasons, claim 20 is patentable over DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination.

Claims 21-29, 31, and 34 depend from claim 20 and are, therefore, patentable over DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 20-29, 31, and 34 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and THRO et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., FORTMAN ET AL., AND RODRIGUEZ ET AL.*

Claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. further in view of FORTMAN et al. and further in view of RODRIGUEZ et al. The rejection is respectfully traversed.

Claim 44 depends from claim 43. Without acquiescing in the rejection, the disclosure of RODRIGUEZ et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN, AKTAS et al., and FORTMAN et al. with respect to claim 43. Thus, claim 44 is patentable over DAHLEN, AKTAS et al., FORTMAN et al., and RODRIGUEZ et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 43.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 44 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., FORTMAN et al., and RODRIGUEZ et al.

REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, TULLIS ET AL., AND THRO ET AL.

Claims 37-40, 48, and 49 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of TULLIS et al. and further in view of THRO et al. The rejection is respectfully traversed.

Independent claim 37 is directed to a computer-readable storage device that stores instructions executable by at least one computer to perform a method for presenting a message to a receiving party. The computer-readable storage device comprises instructions for obtaining a message intended for the receiving party, the message including one or more message attachments; instructions for requesting, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted; instructions for determining whether the one or more message attachments are convertible into a target format; instructions for translating the one or more message attachments into the target format when the one or more message attachments are convertible into the target format; instructions for generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format; instructions for initiating a voice call to the receiving party at a predetermined date and time specified by the receiving party; and instructions for presenting the message with the one or more attachments or the generated description to the receiving party during the voice call. This combination of features is not disclosed by DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party. On the one hand, the Examiner asserts that this feature is disclosed by DAHLEN, at col. 7, line 45 – col. 8, line 29, lines 42-53; and col. 9, lines 61-67; and col. 10, lines 11-48 (Office Action, page 18), and on the other hand, the Examiner admits that this feature is not disclosed by DAHLEN or TULLIS et al. (Office Action, page 18). The Examiner nevertheless asserts that this feature is disclosed by THRO et al. at col. 3, lines 1-6, 52-59; col. 5, lines 26-45; and col. 6, lines 1-15 (Office Action, page 18). In any event, Applicants respectfully submit that DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as recited in claim 37.

Applicants have carefully studied each of the sections of DAHLEN identified by the Examiner and respectfully submit that neither these sections, nor any other portion of the DAHLEN disclosure, supports the Examiner's assertion. To the contrary, DAHLEN specifically discloses permitting a calling party to select a target time for delivery of a message to a called party. See, e.g., col. 9, lines 61-67 of DAHLEN, which is reproduced above. Thus, nowhere in the sections relied upon by the Examiner, or elsewhere, does DAHLEN disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as required by claim 37.

Upon careful study of the portions of THRO et al. relied upon by the Examiner, Applicants respectfully submit that THRO et al. does not disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as required by claim 37. Col. 6, lines 1-15 of THRO et al., for example, is reproduced above. This section of THRO et al., in connection with Fig. 2, discloses a time of day priority table 82, as part of a message priority matrix, which includes a field for the time of day that a message is received at THRO et al.'s server 52 from the originating party 50, and a field for associated user-defined priorities. Nowhere in this section, or elsewhere, does THRO et al. disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as required by claim 37.

DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, also fail to disclose or suggest instructions for requesting, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted, as also recited in claim 37.

For at least these reasons, claim 37 is patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

Claims 38-40 depend from claim 37 and are, therefore, patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, for at least reasons given with respect to claim 37.

Independent claim 48 is directed to an automated method for delivering a message to a receiving party. The method comprises receiving a message intended for the receiving party, the message including a message portion and one or more attachments in a source format; identifying, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted; determining whether the one or more attachments can be converted to a target format; translating the one or more attachments into the target format when the one or more attachments can be converted to the target format; generating a description of the one or more attachments when the one or more attachments cannot be converted to the target format; converting the message portion to an audible message; initiating a telephony call to a telephony device associated with the receiving party at a pre-determined date and time specified by the receiving party; and delivering the audible message and the one or more attachments or the generated description to the receiving party during the telephony call. This combination of features is not disclosed by DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest initiating a telephony call to a telephony device associated with the receiving party at a predetermined date and time specified by the receiving party, as required by claim 48, for at least reasons similar to reasons given with respect to claim 37.

DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, also fail to disclose or suggest identifying, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted, as also recited in claim 48.

For at least these reasons, claim 48 is patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

Claim 49 depends from claim 48 and is, therefore, patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination., for at least the reasons given with respect to claim 48.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 37-40, 48, and 49 under 35 U.S.C. § 103 based on DAHLEN, TULLIS et al., and THRO et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, TULLIS ET AL., THRO ET AL., AND AKTAS ET AL.*

Claim 41 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of TULLIS et al. further in view of THRO et al. and further in view of AKTAS et al. Applicants respectfully traverse the rejection.

Claim 41 depends from claim 37. Without acquiescing in the rejection, the disclosure of AKTAS et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN, TULLIS et al., and THRO et al. with respect to claim 37. Thus, claim 41 is patentable over DAHLEN, TULLIS et al., THRO et al., and AKTAS et al.,

whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 37.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 37 under 35 U.S.C. § 103 based on DAHLEN, TULLIS et al., and AKTAS et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, TULLIS ET AL., RODRIGUEZ ET AL., AND ARUMAINAYAGAM ET AL.*

Claims 51 and 53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over DAHLEN in view of AKTAS et al. and further in view of RODRIGUEZ et al., and further in view of ARUMAINAYAGAM et al.

Claims 51 and 53 depend from claim 1. Without acquiescing in the rejection, the disclosures of RODRIGUEZ et al. and ARUMAINAYAGAM et al. do not cure the above-identified deficiencies in the disclosures of DAHLEN in view of AKTAS et al. with respect to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 51 and 53 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., RODRIGUEZ et al., and ARUMAINAYAGAM et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1, 3-7, 9-11, 14-29, and 31-53. If the Examiner does not believe that all

PATENT
U.S. Patent Application No. 10/016,551
Attorney's Docket No. 01-8007RCE1

pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: Garth D. Richmond, Reg. No. 43,044/
Garth D. Richmond
Registration No. 43,044

Date: November 27, 2007

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 25537